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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,537	09/21/2001	Steven A. Olsen	14389.1USU1	5282
23552	7590	11/17/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			A, PHI DIEU TRAN	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/960,537	Applicant(s) OLSEN, STEVEN A.	
	Examiner Phi D. A.	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 11,20,23 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,12-17,19,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 8-10 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 12, 21, 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble sets forth the column being triangular. As triangular is three sided, it is unclear how a triangular column can have more than three sides as set forth by the language of "at least three section chains". The claims are thus indefinite.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 12-17, 19, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamblin (4027440) in view of Webb (3486279).

Hamblin shows a multilateral column comprising a plurality of section chains arranged in an adjacent manner, each chain having a plurality of sections pivotally connected to each other, at least one chain connection member (figure 16) extending in an outward direction from opposite ends of each section wherein the chain connection member further comprises a surface which slopes toward a point to link each section chain to the adjacent section chains in such a manner as to form a rigid column as the section chains are raised in an operable position, the

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connection member, the member further comprising an elongate shaft and a distal hook portion wherein the surface of the member converges toward a point is represented by the hook portion, wherein the plane running through the hook of the second chain connection member being set at an angle to the elongated shaft, the shaft of the member having a shoulder portion wherein the shoulder portion engages the corresponding section and the engagement of the shoulder and the section prevents twisting of the shaft in relation to its connection to the section from which the chain connection, guide tower [20] operably positioned relative to the three section chains and operably interacting the section chains wherein the guide tower fits about and engages the sections and helps to guide the hooks chain connection members of the adjacent section chains into coupled engagement, at least one guide roller (23, figure 10) operably connected to the guide tower and operably interacting with the section chains whereby the guide rollers engage the sections and helps to guide the hooks of the chain connection members into coupled engagement, at least one shim[24], the shims operably affixed to the guide tower whereby the shims engage the sections and helps to guide the hooks into coupled engagement, at least one interior roller, the interior rollers operably affixed to the guide tower whereby the interior rollers engage the sections and helps to guide the first and second hooks into coupled engagement, a drive mechanism operably attached to the chains whereby actuation of the drive mechanism raises the section chains into position whereby the interlocking engagement of the first and second connection members to form the column, a kicker operably attached to a cross bar of each section chain.

Hamblin does not show the column being triangular.

Webb shows a column being triangular.

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It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Hamblin's structure to show the column being triangular because it would enable the formation of a triangular column as taught by Webb.

Allowable Subject Matter

1. Claims 8-10, 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
2. The following is a statement of reasons for the indication of allowable subject matter: prior art does not show a gear rack fixedly connected to each section of the section, the gear rack affixed by an extruded T-slot to which fasteners are attached through the gear rack and into the section in combination with other claimed limitations.

Response to Arguments

3. Applicant's arguments with respect to claims 1-10, 12-19, 21-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different towering device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Tuesday, Thursday and Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Phi Dieu Tran A

11/14/05